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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JAMES RICHERSON,

Defendant and Appellant.

A123366

(Solano County Super.  
Ct. No. FCR253347)

THE COURT:

The petition for rehearing filed by appellant on October 21, 2010, is denied.

The opinion filed herein on October 5, 2010, is modified to add the following paragraph on page 6 before part II.A.2: “Nor does it appear to us that Richerson’s detention was unconstitutionally prolonged after the cover officer arrived. We recognize that the trial court concluded the subsequent patsearch of defendant was probably illegal. However, as recognized in *Miranda*, an officer may order the driver out of the car and examine the motorist’s driver’s license. (*Miranda, supra*, 17 Cal.App.4th at p. 927.) And as we shall discuss in the next part, Strickland could reasonably conduct a limited search of the truck for Richerson’s license. In the circumstances, the detention was not unduly prolonged.”

There is no change in the judgment.

DATED:

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P. J.